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April 3, 2023

VIA ECF

The Hon. Paul A. Crotty
U.S. District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Baerga, et al. v. City of New York, et al.*, No. 21-cv-5762-PAC (S.D.N.Y.)

Dear Judge Crotty:

We represent Plaintiffs in the above-referenced action. At the parties' conference with the Court on February 23, 2023, the Court ordered Plaintiffs to provide Defendants with their proposed second amended complaint by March 16, 2023. Plaintiffs provided Defendants with the proposed complaint on that date.

Plaintiffs' second amended complaint adds facts and claims related to the involuntary removal policy announced by New York City Mayor Eric Adams on November 29, 2022 (the "Involuntary Removal Policy"); two individual plaintiffs who were detained and involuntarily transported to hospitals for psychiatric evaluation by New York City Police Department ("NYPD") officers following the policy's announcement, as well as one individual plaintiff who has been detained and involuntarily transported on several occasions before the policy's announcement; and

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a new organizational plaintiff that both has members who have been detained and has itself been negatively impacted by the Involuntary Removal Policy. Plaintiffs have also amended the definition of the putative class to consist of individuals who, because of their mental disability or perceived mental disability, have been, could have been, or will be seized, detained, and/or subjected to force in interactions with NYPD officers pursuant to NYPD Patrol Guide Procedure No. 221-13 *and/or the Involuntary Removal Policy, and/or its equivalent, and/or denied the appropriate response to mental health crises. See Dkt. No. 21 at 48 (amended language in italics).*

Defendants informed Plaintiffs that they would tell Plaintiffs whether they would consent to Plaintiffs filing a second amendment complaint by March 31, 2023. On March 30, 2023, Defendants informed Plaintiffs that they would provide their position to Plaintiffs by April 3, 2023. On that date, Defendants informed Plaintiffs that, so long as Plaintiffs make clear that plaintiff Baerga is no longer a plaintiff and that the allegations regarding his claim are removed, they do not object to Plaintiffs' amendment. Defendants reserve all defenses and indicate they intend to move to dismiss the new complaint.

Plaintiffs agree to make this revision and will share the revised second amended complaint with Defendants this week. We intend to file the second amended complaint by April 14, 2023.

We appreciate the Court's time and attention to this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Luna Droubi', written over a horizontal line.

Luna Droubi

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cc: All Counsel of Record (via ECF)